IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 2039 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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NIPABEN DEVESHBHAI JOSHI - Appellant(s)
Versus
KAILASHBEN BADRAYANBHAI JOSHI & 1 - Defendant(s)

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Appearance :
MR DHAVAL D VYAS for Appellant(s) : 1,
RULE SERVED for Defendant(s) : 1,
MS MEGHA JANI for Defendant(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 25/08/2006

ORAL JUDGMENT

1. This appeal is directed against the order passed in M.A.C.P. No.323/2002 dated 21.2.2005 by Motor Accident Claims Tribunal (Main), Rajkot whereby the application under section 140 of the Motor Vehicles Act praying for interim compensation has been rejected.

2. The application under section 140 of the Act is an interim application and the award which may be passed thereon would be subject to adjustment against the final award which may be passed in the

main claim petition. In that view of the matter I see no reason to interfere in the appeal at this stage and interests of justice would be met by passing the order for expediting the main claim petition. Learned Advocate for the appellant is not able to contest this position.

3. Accordingly the Tribunal is directed to dispose of the main claim petition within a period of two years from the date of receipt of the writ of this Court.

4. Subject to the observations and directions hereinabove, the above appeal is disposed of with no order as to costs.

5. The R & P to be re-transmitted to the Tribunal forthwith, i.e. latest by 15th September 2006.

[K.S. JHAVERI, J.]

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